

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application
Serial No. 75/741,795 for the mark
RUSH NEW MEDIA

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 RUSSELL SIMMONS, :

Opposer, _____ :

-against- :

KERRY COLIN KEANE, :
 :
 Applicant. :

-----X



01-11-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #61

Opposition No. 122,816

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I, Marie DeNatale hereby certify that this correspondence is being deposited as "Express Mail" with the United States Postal Service addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 Attn: TTAB on the date indicated below.

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**REQUEST TO EXTEND DISCOVERY, TESTIMONY
AND BRIEFING PERIODS, ON CONSENT**

Opposer, Russell Simmons, and Applicant, Kerry Colin Keane, request an extension of the discovery, testimony and briefing periods for three (3) months on the grounds that the parties require additional time to pursue and complete discovery.

The parties have been attempting to resolve this Opposition on an amicable basis and have been negotiating in good faith. The additional time requested will allow the parties to complete those discussions and to pursue discovery, if necessary. This is the parties' second request for an extension of the discovery, testimony and briefing periods after the May 10, 2001 Order setting the discovery, testimony and briefing periods.

The discovery, testimony and briefing periods will be revised as follows:


| | |
|---|------------------|
| Discovery Period to close: | May 26, 2002 |
| Testimony period for party in position of plaintiff to close: (opening thirty day prior thereto) | August 24, 2002 |
| Testimony period for party in position of defendant to close: (opening thirty day prior thereto) | October 25, 2002 |
| Rebuttal testimony period to close: (opening fifteen days prior thereto) | December 9, 2002 |

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

Consent to this extension of the current discovery, testimony and briefing periods was granted by G. Roxanne Elings, Esq., counsel for Applicant, in an e-mail to Nicole E. Miller, Esq., counsel for Opposer on January 9, 2002.

Respectfully submitted,

Dated: January 10, 2002


Brad D. Rose, Esq.
Nicole E. Miller, Esq.

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Attorneys for Opposer,
Russell Simmons

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I, Marie DeNatale, hereby certify that a true and correct copy of a REQUEST TO EXTEND DISCOVERY, TESTIMONY AND BRIEFING PERIODS, ON CONSENT is being served by "Express Mail" by depositing the same as Express Mail with the United States Postal Service and addressed to counsel for Applicant Kerry Colin Keane, on January 10, 2002 at the address set forth below:

G. Roxanne Elings, Esq.
Greenberg Traurig LLP
885 Third Avenue
New York, New York 10022-4834

Signed: _____

Marie DeNatale